

Remarks

Authority to Prosecute

Applicant has filed a revocation and power of attorney appointing the undersigned counsel as its representative. In support, Applicant has also submitted an assignment agreement documenting the transfer of all right, title, and interest in the present application to Applicant.

The 103(a) Rejections

Applicant has canceled claims 1-29 and 58-114, rendering those rejections, and the claim objections, moot. Examiner has rejected pending claims 30-33, 36, 40-47, 49, 54, 55, and 57 as being rendered obvious by U.S. Patent No. 5,103,068 (Maldonado) in view of U.S. Patent No. 6,257,622 (Peker), claims 34, 35, 37, and 38 as being rendered obvious by Maldonado in view of Peker and U.S. Publication No. 2004/0066031 (Wong), claims 30, 39, 45, 48, 50, and 56 as being rendered obvious in view of U.S. Patent No. 5,207,717 (Manning) in view of Maldonado and Peker, and claims 51-53 as being rendered obvious in view of Manning in view of Maldonado, Peker and Contello.

Before addressing Examiner's substantive rejections under 35 U.S.C. Section 103(a), Applicant would like to clarify the nature and scope of at least one claimed embodiment of its invention. In one embodiment of the invention, a book cover is formed from a unitary piece of elastomeric material. The book cover has two pockets, a first pocket and a second pocket, that are characterized by each having an elliptical shaped slot with a top and bottom peripheral edge wherein the top peripheral edges of the elliptical shaped slots of the first pocket and second pocket are attached to each other and the bottom peripheral edges of the elliptical shaped slots of the first pocket and second pocket are attached to each other. See Figure 4. The attachment preferably occurs using a piece of the unitary elastomeric material. This configuration provides a key functional, utilitarian benefit, as noted on page 6, lines 28-31 of the specification: "The tension created because of the elastomeric properties of the material, combined with the design of the access slot 25, causes the "spine locking" feature 23 to fold over the top and bottom edges of the spine—protecting such areas of book 10 from soiling and water damage."

None of the cited art discloses a pocket having this configuration (elliptically shaped slots with top and bottom edges physically attached) or, for that matter, any rationale for doing so. In fact, none of the cited art recognizes the need to protect the top and bottom edges of the book spine, nor do they teach any mechanism for doing so. While a combination of the art may yield a book cover with an elliptical slot, it would not provide the distinct “spine locking” feature disclosed in the specification. Therefore, as a matter of law, none of the cited art is sufficient to sustain a rejection under 35 U.S.C. Section 102 or 103(a).

Applicant has amended independent claim 30 to clarify that the book cover has two pockets, a first pocket and a second pocket, characterized by each having an elliptical shaped slot with a top and bottom peripheral edge wherein the top peripheral edges of the elliptical shaped slots of the first pocket and second pocket are attached to each other and the bottom peripheral edges of the elliptical shaped slots of the first pocket and second pocket are attached to each other. Applicant has also added new claims 115-120 that clarify a) the means of attaching the top and bottom peripheral edges (claims 115, 116, 118 and 119) and b) how the top and bottom portions of the book spine are covered and protected by this attachment means (claims 117 and 120).

Accordingly, Applicant believes the claims are now in form for allowance.